

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1189

Introduced by Senator Pan

February 18, 2016

An act to add Section 27522 to the Government Code, relating to ~~coroners; autopsies.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1189, as amended, Pan. ~~Coroners: oversight of examinations. Postmortem examinations or autopsies: forensic pathologists.~~

Existing law requires a county coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. Existing law either requires or authorizes a county coroner, under certain circumstances, to perform, or cause to be performed, an autopsy on a decedent. Existing law imposes certain requirements on ~~a coroner conducting~~ a postmortem examination or autopsy ~~on~~ *conducted at the discretion of a coroner, medical examiner, or other agency upon* an unidentified body or human remains.

Existing law authorizes the board of supervisors of a county to consolidate the duties of certain county offices in one or more of specified combinations, including, but not limited to, sheriff and coroner, district attorney and coroner, and public administrator and coroner. Existing law authorizes the board of supervisors of a county to abolish the office of coroner and provide instead for the office of medical examiner, as specified, and requires the medical examiner to be a licensed physician and surgeon duly qualified as a specialist in pathology.

This bill would require that the results of a postmortem examination ~~or autopsy conducted by a coroner or deputy coroner be subject to~~

~~review and signed approval by a licensed physician and surgeon who is duly qualified as a specialist in pathology. If the coroner and pathologist disagree about a cause of death, this bill would require that the cause of death be subject to review and signed approval by a separate qualified pathologist. This bill would authorize a coroner who is a qualified pathologist to review and approve his or her own postmortem examination or autopsy. By imposing additional duties upon local officials, this bill would create a state-mandated local program: autopsy, as specified, and the cause and manner of death be determined by a licensed physician and surgeon who is a forensic pathologist, preferably a diplomat of the American Board of Pathology.~~

This bill would also require blood and urine specimens collected from a patient at the time of admission to a hospital, if the patient is admitted under specified circumstances, to be retained until the patient is discharged from the hospital. The bill would require the specimens to be released to the coroner if the patient dies prior to discharge.

This bill would require, for health and safety purposes, that all persons in the autopsy suite have current bloodborne pathogen training and personal protective equipment, as specified. The bill would provide that police and other law enforcement personnel who have completed the specified training may be allowed into the autopsy suite at the discretion of the forensic pathologist, but would prohibit law enforcement personnel directly involved with the care and custody of an individual who died incident to law enforcement activity from being inside the autopsy suite during the performance of the autopsy.

This bill would require specified materials that are in the possession of law enforcement and are related to a death that is incident to law enforcement activity to be made available to the forensic pathologist prior to the completion of the investigation of the death.

By imposing additional duties upon local officials and law enforcement agencies, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27522 is added to the Government Code,
2 to read:

3 27522. (a) The results of a postmortem examination or autopsy
4 ~~conducted by a coroner or deputy coroner are subject to review~~
5 ~~and signed approval and the cause and manner of death shall be~~
6 ~~determined by a licensed physician and surgeon who is duly~~
7 ~~qualified as a specialist in pathology; a forensic pathologist,~~
8 ~~preferably a diplomat of the American Board of Pathology.~~

9 (b) ~~The results of any of the following items are subject to~~
10 ~~review and signed approval pursuant to subdivision (a): For the~~
11 ~~purposes of this section, a postmortem examination or autopsy~~
12 ~~includes, but is not limited to, the following items, if physically~~
13 ~~feasible:~~

14 (1) Procedures described in subdivision (b) of Section 27521.

15 (2) An analysis of the ~~stomach, stomach contents, other organs,~~
16 ~~blood, vitreous fluid, urine, bile, stomach contents, other fluids,~~
17 ~~or tissues of the body; tissues or bodily fluids, or organs of the~~
18 ~~body.~~

19 (3) ~~Other chemical testing associated with inquiry into the~~
20 ~~circumstances, manner, and cause of death.~~

21 (c) ~~The pathologist, as defined in subdivision (a), may conduct~~
22 ~~his or her own analysis and include the results in the postmortem~~
23 ~~examination or autopsy report. If the coroner and pathologist~~
24 ~~disagree about a cause of death, the cause of death is subject to~~
25 ~~review and signed approval by a separate qualified pathologist, as~~
26 ~~defined in subdivision (a). The second pathologist may conduct~~
27 ~~his or her own analysis and include the results in the same report.~~

28 (d) ~~A coroner who is a qualified pathologist may review and~~
29 ~~approve his or her own postmortem examination or autopsy.~~

30 (3) ~~The examination or removal, or both, of the internal organs~~
31 ~~of the body.~~

32 (4) ~~The retention of any organs or tissues of the body as part~~
33 ~~of the investigation of the death.~~

34 (5) ~~Any laboratory analysis, chemical testing, or imaging~~
35 ~~performed as part of the investigation of the death.~~

1 (c) *If a patient is admitted to a hospital with a life-threatening*
2 *injury, or is under the influence of an intoxicating substance, as*
3 *determined by the attending physician at the hospital, or was in*
4 *the custody of a law enforcement agency within 24 hours of*
5 *admission to the hospital, blood and urine specimens collected*
6 *from the patient at the time of admission shall be retained until*
7 *the patient is discharged from the hospital. If the patient dies prior*
8 *to discharge, the specimens shall be released to the coroner.*

9 (d) *For health and safety purposes, all persons in the autopsy*
10 *suite shall have current bloodborne pathogen training and personal*
11 *protective equipment in accordance with the requirements*
12 *described in Section 5193 of Title 8 of the California Code of*
13 *Regulations or its successor.*

14 (e) (1) *Police and other law enforcement personnel who have*
15 *completed training as described in subdivision (d) may be allowed*
16 *into the autopsy suite at the discretion of the forensic pathologist.*

17 (2) *Notwithstanding paragraph (1), if an individual dies incident*
18 *to law enforcement activity, law enforcement personnel directly*
19 *involved with the care and custody of that individual shall not be*
20 *inside the autopsy suite during the performance of the autopsy.*

21 (f) *Any police reports, crime scene or other information, videos,*
22 *or laboratory tests that are in the possession of law enforcement*
23 *and are related to a death that is incident to law enforcement*
24 *activity shall be made available to the forensic pathologist prior*
25 *to the completion of the investigation of the death.*

26 SEC. 2. *If the Commission on State Mandates determines that*
27 *this act contains costs mandated by the state, reimbursement to*
28 *local agencies and school districts for those costs shall be made*
29 *pursuant to Part 7 (commencing with Section 17500) of Division*
30 *4 of Title 2 of the Government Code.*